



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Report on Charter Provisions

MEETING DATE: June 21, 1995


PREPARED BY: City Attorney

RECOMMENDATION: Request for direction.

BACKGROUND: The Council had requested a comparative analysis of some charters of other cities comparable to Lodi. Attached is a brief analysis of 9 other cities. These are on transparencies for the overhead projector if Council desires. Short summaries, with recommendations as to inclusion in a Lodi City Charter, are included.

FUNDING: N/A

Respectfully submitted


John Stovall *JS*
City Attorney

APPROVED: _____

THOMAS A. PETERSON
City Manager

The Council had requested a comparative analysis of some charters of other cities comparable in size to Lodi. We have reviewed the charters of Cerritos, Santa Cruz, Napa, Palo Alto, San Marcos, Roseville, Merced, Arcadia, and Petaluma. The following are tables showing certain general comparisons.

TYPE OF PROVISION COVERED IN CHARTER

CITY	GENERAL (Name, Incorporation Date, etc.)	FORM OF GOVERNMENT	PROVISIONS RE ELECTED OFFICERS/ MEETINGS, ETC.	PROVISIONS RE APPOINTED BODIES	PROVISIONS RE ELECTIONS	PROVISIONS RE FISCAL MATTERS (Budgets, public works contracts, etc.)
CERRITOS	X	C-M	X	X	X	X
SANTA CRUZ	X	C-M	X	X	X	X
NAPA	(Unknown)	(Unknown)	X	(Unknown)	X	X
PALO ALTO	X		X	X	X	X
SAN MARCOS	X					X
ROSEVILLE	X	C-M	X	X	X	X
MERCED	X	C-M	X	X	X	X
ARCADIA	X	C-M	X	X	X	X
PETALUMA	X	C-M	X	X	X	X

TYPE OF PROVISION COVERED IN CHARTER

CITY	FRANCHISE	PROVISIONS RE EMPLOYEES	SCHOOLS	PUBLIC UTILITIES	CERTAIN PROVISIONS RELATING TO BONDS	COMPULSORY ARBITRATION OF DISPUTES	RENT CONTROL
CERRITOS	X						
SANTA CRUZ	X	X	X				
NAPA	X	X	(Unknown)	X	X		
PALO ALTO	X					X	
SAN MARCOS	X						X
ROSEVILLE	X	X					
MERCED	X	X	X				
ARCADIA	X	X	X				
PETALUMA	X	X	X				

These are all the City Charters we had received from our request for copies at the time of preparing this Council communication. We do have copies of all these charters, except that Napa left pages out of theirs, so it is not complete. We will attempt to answer any questions.

WHAT DO THESE GENERAL HEADINGS MEAN?

GENERAL:

These are such things as name and boundaries of the city, continuance of existing ordinances, rights, contracts, employees.

8 of 9 have this.

RECOMMENDED FOR LODI? Yes

FORM OF GOVERNMENT:

A statement that the City is a council-manager form of government.

6 of 9 have this. Some (e.g., Palo Alto) have C-M form of government, because the charter has provisions relative to selection of city manager, but simply don't make the statement.

RECOMMENDED FOR LODI? Up to committee; probably unnecessary

PROVISIONS RE ELECTED/ OFFICERS/ MEETINGS, ETC.

These are such things as constitution of council, eligibility, variances, duties of mayor, time and place of meetings, method of ordinance enactment.

8 of 9 have this. Some more, some less.

RECOMMENDED FOR LODI? Up to committee; probably unnecessary, as can be handled by code, ordinances unless wish to change basics, e.g., number of council.

PROVISION RE APPOINTED BODIES:

These are such things as details of how members will be appointed to boards, commissions, or committees, and which boards, commissions, or committees these will be.

7 of 9 have these. Some are quite detailed, listing board, commissions, etc., detailing quorum requirements and so forth. Others are, we believe preferably, more general, saying something like "unless otherwise provided by state law, the council shall appoint such commissions as it deems necessary, and shall establish membership qualifications and rules of order."

RECOMMENDED FOR LODI? Up to committee, but would suggest, if adopted, the broader, more flexible form.

PROVISIONS

RE ELECTIONS:

These are provisions covering when elections will be held, whether at-large or by district, and so forth. 8 of 9 have these. Every one of them simply refers to and incorporates the general election laws of the state.

RECOMMENDED FOR LODI? Yes, in the simple form of reference to the state laws, so as to avoid uncertainty.

PROVISIONS RE

FISCAL

MATTERS:

These are complex provisions, and in some cases they are spread throughout the charters, in different sections. All 9 cities have some provisions. These range from details of the budget procedure [did you know that there is no state law requiring you to have a budget?], to procedures for contracts on public works [the prevailing wage issue comes in here], to audit requirements, to accounting control on purchases, to leasing city property, or creation of special funds, and so forth. Some are quite detailed, some are more general, and simply allow the council to "create, by ordinance, procedures for."

RECOMMENDED FOR LODI? Generally, yes. The prevailing wage issue is an example of something that may need to be addressed. What is considered is up to the committee. I would recommend it be left flexible and simple.

**PROVISIONS RE
FRANCHISES:**

Again, all 9 cities have some provisions relating to franchises. These specify the procedure for granting franchises, and in some cases, terms of franchises. Some are very general: E.g., Napa: "The City of Napa may grant ... franchises as may be by ordinances enacted by the City Council." Others are more detailed.

RECOMMENDED FOR LODI?

Up to the Committee.

**PROVISIONS RE
EMPLOYEES:**

6 of 9 cities have specific articles. (Note: all have some reference to specific employees, such as City Attorney, or, where not elected, City Clerk. The provisions under this topic are broader.) Some create civil service systems; some detail powers of department heads to hire and fire, some create personnel boards and administration systems.

RECOMMENDED FOR LODI? Up to the Committee, but I caution that this should be approached gingerly, as you will normally want to leave as much control as you can in the Council and the City Manager, and not fix in the charter details which may later be troublesome.

**MISCELLANEOUS
PROVISIONS:**

4 of 9 cities have provisions relating to Boards of Education and/or control of schools. Cities have unique provisions relating solely to an individual city ... i.e., compulsory arbitration of disputes, rent control, parking revenue bonds, and public utilities. This last is in Napa's charter, and provides that the City has power to acquire, own and operate any or all public utilities, and that all income therefrom is devoted exclusively to the operation and maintenance of the particular utility from which it is derived.

RECOMMENDED FOR LODI? None of these, but the Committee may have other special items.